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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.122 OF 2007
IN
CRIMINAL WRIT PETITION NO.1095 OF 2006

Mumbai International Airport Pvt. Ltd. ... Appellant

V/s.

Vimantal Hamal Ekta Sanghatana & Ors. ... Respondents

Mr.P.S. Samdani with Sandhya Iyer for Appellant
Mr.R.D. Suryavanshi for Respondent No.1
Mr.P.A. Pol, APP, for Respondent-State

CORAM: **D.G. DESHPANDE &**
SMT.NISHITA MHATRE, JJ.

DATED: **APRIL 24, 2007**

P.C.:

. This application is filed for recalling two orders dated 4.5.2006 and 27.6.2006. Though the learned Counsel for Respondent No.1 seeks time to file reply to this application, we are not inclined to do so because in the order dated 4.5.2006 what we have noted, observed and ordered is that "the fear of the petitioner (the respondent No.1 herein) is that whenever the police come to them, they start beating unnecessarily. Without accepting this contention, we expect the police to act with restraint in future." The same order was confirmed by us on 27.6.2007.

2. The grievance of the petitioner is that this order is being used by Respondent No.1 in prevailing

upon the police authorities not to touch them while exercising powers under law. We only seek to clarify that to act with restraint does not mean that police are estopped from acting according to law. Further, if the activities of Respondent No.1 are illegal, the police are not at all prevented from taking any action against them according to law.

(D.G. DESHPANDE, J.)

(SMT.NISHITA MHATRE, J.)